

1894-058 Chancery Causes: Nimrod Noel vs. Martha Coomer
Lee Co.

1 Plat

CA-Debt
T-Property

To The Hon. H. K. Morison Judge
of the Circuit Court of Lee
County Virginia:

Your orator Amos H. H. who humbly complaining
would respectfully represent
that heretofore at the June Term
of this Hon. Court for the year 1892
he obtained against G. Tyler
Coomer, and Martha Coomer
his wife a judgement in eject-
ment, and also a judgement
for his Costs for \$102.30. On this
judgement an execution issued and
was placed in the hands of
C. E. Hanary Sheriff of said
County and was by him re-
turned on 15th day of August 1892
no property found. A copy of
this Fi fa and the return thereof
will be found herewith filed as
part hereof marked "A"

This judgement nor no part
thereof has been paid your

Orator, but the same remains wholly due to him.

The said Martha boomer, has a small tract of land in this County situated on the South side of Cumberland Mountain at Cranks Gap, in this County the rents and profits of which will not in five years pay and discharge this said judgment.

Your orator is advised that this judgment, being docketed in the judgment lien docket is a lien ^{and said judgment, is it only lien upon said land} upon this land and that a Court of equity will enforce the same

To enforce which said judgment lien upon said land and sell so much thereof as may be necessary to pay the same is the object of this bill -

To affect which he prays that Martha boomer be made a party to this bill and answer the same but she need not do so upon

out that being waived. The G. Tyler
Covner is not made a party hereto
because he has left the Commonwealth
of Virginia and has no
effect known to your orator out of
which said judgment can be
made. Your orator omitted to state
that he is informed there are some
other small liens on said land but
to whom due or their amt. to he
is unable to say - His further prayer
is that if such be the case that an
account be taken & said liens as-
certained - And for all other further
and general relief - May sup-
ply &c.

A. L. Pridemore

P. G.

C 6.14 M
 S 50.
 CA 15.00
 Estimate 2.50 M 6.14
 \$24.14 6.5 7.70
 + 24.79

102.50
 24.79
 127.09
 14
 25
 \$10.29

12 65
 \$133.44

LP

Minrod - 100

vs Bill Chy

Martha Coomer

1892 1st Octo Rules Bill
 filed Sp. Exd & H.
 " 2nd Octo Rules & Min.
 Cause set for
 hearing by Plff.
 " Nov. No Court
 1893 Mr. Decree Contd
 " Nov. Contd
 1894 March Term
 Decree final
 O B 567

Minrod Not

Plff

against

Martha Cowen

Def

} In chg-

This cause came on this day again to be heard upon the papers formerly read & the report ^{of} ~~the~~ ^{exhibits} filed therewith of D.C. Swell special Commissioner to which there are no exceptions ~~and~~ ^{as} argued by Counsel. On consideration whereof said report, ^{said} having been filed more than ten days before the first day of this term of the Court, ~~it~~ is adjudged, ordered & decreed that said report, ^{said} & the same are ^{each} ~~are~~ confirmed; and it appearing that said Court has turn over the funds arising from the sale of the land to the plaintiff herein ~~from~~ ^{as} ~~directed~~ by a former decree entered in this cause for which he files a receipt the same is ~~approved~~ & confirmed; and the said purchasers D.R. Not and J.G. Browning have leave to withdraw said deed from the files of papers herein for recordation. It is further adjudged ordered & decreed that said Court Swell be & is hereby allowed \$2⁵⁰ for making & reporting said deed & nothing further appearing necessary to be done this cause is stricken from the docket.

Nimrod Noel

vs } Dece
Confirming Deed of

Martha Coomer

March 8 1894

E.C.O.B. Page 567.

March 10 1894

Enter this

H.L.K.M.

March 10 1894

Amosd hol plff. In ch
against Morth Coomer. seft

This cause came on this day
to be again heard upon
the papers formerly filed
and the report of S. C. Seavey
filed May 29th 1879, to which
there are no exceptions - and
was argued by Counsel.

On consideration whereof &
for reasons appearing to
the Court, said report and sale
are each confirmed & made
final, and the plff being
willing to accept said rate
as and for his debt, the Court,
will turn the same over to
him, and take his receipt
therefor, and make to the pur-
chaser a deed for said land
with Covenants of special
warranty for the land so sold
by him. And the purchaser may
have a writ of possession for
said land at the expiration of
90 days from the rising of
this Court. Said Court will
report his act to this Court at its

next term & the cause is continued.

Minrod Hol

85 Decree

Martha Coomer

June 7. 1893

Entered Chcy
O.B. 505-6

June 10 1893

J. A. Hyatt

Enter this
June 10 1893



Amirod Roe

Against

Martha Coomer

Deft.

De Chy

This Cause
Came on this day to be heard
upon the ~~papers formerly read~~
Bill taken for confessed, exhib-
its filed and was argued by
Counsel - On Consideration of which
and for reasons appearing to
the Court it is adjudged ordered
and decreed that the plff receive
from the defendant the sum
of one hundred and two dollars
and 30 Cents and the Costs of this
suit - And unless the defendant
or some one for her shall pay
the same within 30 days from
the rising of this Court, then D.C.
Pewell who is hereby appointed
a special Commissioner will
sell said land or so much thereof
as may be necessary to pay the
sums herein decreed. He will
sell the same on a credit of 12
months except so much as may
be necessary to pay the Costs he
will require paid in hand.

Amosd Noel

73 Decree for
sale.

Martha Leומר

March 7. 1893

Entered in City O.B.
p. 455, March 9th 1893.
J. A. G. Hyatt, clk.

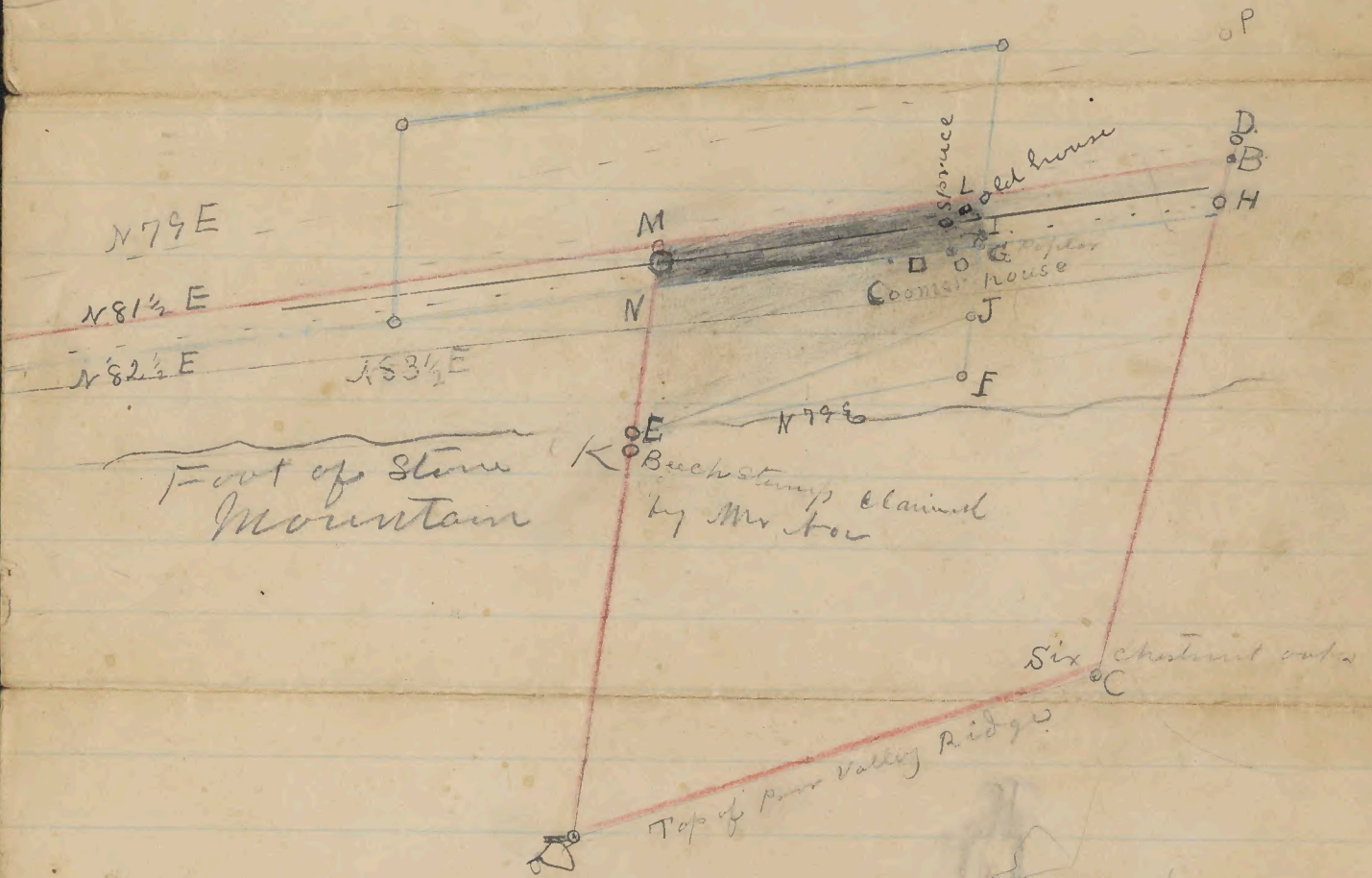
Center this
March 10 - 1893

455m
J.

And for the receiver require bond
payable to himself as Commissioner
bearing interest from day
of sale with good personal secu-
rity - He will make sale of the
same on some Court-day in
front of the Court House door
by public outcry to the highest
bidder - But before proceeding to
do so he will execute bond before
the Clerk of this Court in a bond
of a penalty of \$250.00 Condition
to duly perform his duties hereunder
He will then advertise the same
by ~~publishing~~ posting notice of
the time place & terms of sale for
at least 30 days before sale on the
front door of the Court House & in
some public place where the land
lies - He will report his actions to
this Court and the Cause is Continued.

North

Top of Stone Mountain



{ Red lines represent Noe's claims
Blue " " Cooners " }

185-
30
85
67

Part A.

To the Honorable H.S.K. Morrison, Judge of the Circuit Court of Lee county

The undersigned special commissioner in the chancery cause of Nimrod Noe vs. Martha Coomer would respectfully report that pursuant to the terms of a decree entered in said cause on the 10th day of March, 1893, after having first published the time and place of sale by posting written notices thereof as directed by said decree, he on the 16th day of May 1893, that being the ^{second} first day of the May term of the county court of Lee county, ^{at the front door of the court house} offered the tract of land in bill and proceeding mentioned, to the highest bidder on a credit of twelve months, except as to cost of suit and expenses of sale which he required to be paid down, and at said sale David R. Noe and James G. Browning being the highest bidders said land was knocked down to them at the price of \$133.44, the amount of the debt, costs of the suit and the commissions of sale, said purchasers then paid down to me the sum of \$31.14 the costs of suit and commissions of sale, and executed their note to me for \$102.30 the residue of the sum bid, said note will become payable in one year from date and bears interest from the day of sale, and is signed by W.H.C. Noe as security. Your commissioner deems said note perfectly good and he believes the sale to be as good a one as can be made of said lands and therefore recommends a confirmation of said sale. Of the sum paid down to him your commissioner paid the costs as taxed by the clerk, to wit: to J.A. G. Hyatt, clerk, \$6.79, to C.E. Flanary, sheriff, \$0.50; to A.L. Pridemore, atty., \$15.00, he retained \$6.35 for his commission; which leaves in your commissioner's hand the sum of \$2.50 estimated costs, and this sum your commissioner has turned over to J.A.G. Hyatt and taken his receipt therefor, said note and receipts are herewith filed marked "1", "2", "3", "4" & "5". All of which is respectfully submitted.

Your court would also state that said Martha Coomer filed her homestead deed in the county court clerk's office on the day of said sale, but did not think that would interfere with the sale. She being a married woman & her husband, Tyler Coomer is still living.

Respectfully
D. F. Sewell
Spec. Comm.

Nimrod vs
3 Corard
vs 3 Report of sale
Martha Coomer

Filed May 23rd 1873
J. A. Hyatt

To the Hon. H. S. K. Morrison Judge
of the circuit Court of Lee Co. Va
your undersigned Special Commissioner
pursuant to a decree rendered in
the chy cause of Nimrod Roe vs Martha
Coomer now pending in the your honors
court, filed June 10th 1893 would re-
spectfully report:

1. That he, on the 15th Feby 1894
turned over to the plaintiff Nimrod
Roe, the note executed to your
court for the purchase price of the
land sold in said cause, for
which he took receipts & now
exhibits same to the court
as a part hereof.

2. That he, pursuant to the terms
of said decree, ^{has} made & filed here-
with a deed from himself
as Commissioner to D. R. Roe & J. G. Browning
joint purchasers of said land
with covenants of special
warranty & for which your
court charges \$2⁵⁰.

All which is respectfully sub-

D. C. Swell
Spe. Comm.

Miner's Note

my Report

Martha Coomer

Filed Feb 16th 1894
A B Munsey

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Lee County--Greeting :

WE COMMAND YOU TO SUMMON Peter Bays and A. Grubb

to appear before our ^{Circuit} County Court for Lee County, at the Courthouse, on the 9 day of June 1892, to show cause, if any they can, why they should not be fined and attached for their contempt, in not attending our said Court at June term, 1892, as witnesses

For G. Tyler Coonien & wife & d/s
Winford Mac

having been duly summoned, and not appearing when solemnly called, and have then there this writ.

J. S. Hyatt
Witness John R. Gibson, Clerk of our said County Court, at the Courthouse, the 9th day of

June 1892, in the 11th year of the Commonwealth.

J. S. Hyatt, Clerk.

G. Tyler Coomrswife

vs Rule

Peter Bays et al

To 4th day June 7. 1892

Enacted by Delivering
an office copy of
the within Rule to
A Webb and Peter
Bays this June 7-1892
J. M. Weston D. C.
for W. C. Flanary
S. G. W

Camical, says
down timber at
"H" same as in
Joe's deed.
Poplar & Chestnut
Oak.

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Lee County--Greeting :

WE COMMAND YOU TO SUMMON

John P. Graham

to appear before our ^{*circuit*} County Court for Lee County, at the Courthouse, on the *8th* day of *April*
189*2* to show cause. if any *she* can, why *she* should not be fined and attached for *this*
contempt, in not attending our said Court at *April* term, 189*2*, as *a witness*

for G. Lyle Leoman wife and
Miner & Co

having been duly summoned, and not appearing when solemnly called, and have then there this writ.

Witness *J. A. Hyatt* John R. Gibson, Clerk of our said County Court, at the Courthouse, the *8th* day of

April, 189*2*, in the *116th* year of the Commonwealth.

J. A. Hyatt, Clerk.

A. Lyser Coomentsi

3 Rule

223

John P. Graham

2 o'clock P. M. April
8th 1892.

8th / 1892.

KNOW ALL MEN BY THESE PRESENTS, That we

D. C. Sewell
J. A. G. Hyatt

are held and firmly bound unto the Commonwealth of Virginia, in the sum of

Two hundred fifty dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or trust, in any currency, funds, counter claims or offsets other than legal-tender currency of United States. Sealed with our seals, and dated *10th* day of *April*, one thousand eight hundred and *Twenty three*

The Condition of The Above Obligation is Such, That if the above bound

D. C. Sewell
shall faithfully perform the duties of *his* office or trust, as *Commissioner*
sever

under a decree of the Circuit Court of the County of Lee, pronounced on the

10 day of *March*, 18*73*, in the suit therein depending
under the name and style of *Amured Mac* Plaintiff
vs. *Martha Coanun* Defendant

and properly account for all sums of money *he* may receive as
such *Commissioner*

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the
presence of

D. C. Sewell (SEAL.)
J. A. G. Hyatt security (SEAL.)
(SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee

This day
suret on the above bond, made oath before me J. A. G. Hyatt, Clerk of the Circuit
Court of the County of Lee, that
estate after the payment of all just debts, and those
for which bound as securit for others, and expect to have
to pay worth the sum of

dollars.

Given under my hand this day of 18

Teste: Clerk,

The Commonwealth of Virginia,

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON

W. P. Spruill

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *Sixth*
day of *April 3 special* term next to testify and the truth to speak in behalf of
Winrod Lee in certain matters of controversy
pending in our said Court between *said*

Winrod Lee Plaintiff, and *G. Lylen*

Coover wife Defendant. And this *he* shall in no wise
omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,
Clerk of our said Court at the Courthouse.

This *9th* day of *April* 18 *92* in the 11 *6* year of the Commonwealth.

J. A. G. Hyatt Clerk.

1. Pinned to the

2. 3. Sp. A

G. Tyler Coe

Lo. 6 day Apr. 8. 1892

Exchanged April
the 8. 18. 92 by agreement
the within minutes

C. F. Flannery
S. L. 6

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON

William Bowman

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *fifth*
day of *April 3* term next to testify and the truth to speak in behalf of
G. Lyler Coomer wife in certian matters of controversy
pending in our said Court between

James A. Co Plaintiff, and *and*

Coomer wife Defendant. And this *he* shall in no wise
omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,
Clerk of our said Court at the Courthouse.

This *8* day of *April* 18*92*, in the *11* year of the Commonwealth.

J. A. G. Hyatt Clerk.

G. Tyler Coomstock
ad 3 Spd
Arrirodiae

To 5 day Apr. 3. 1892
J. P. Dyar

Executed April
8. 1892. by
survivor Wm.
Bourman.

C. E. Flannery
S. L. C.

250
The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON.

Ephraim Burman
Joseph Bowman & David Lee

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *fourth*
day of *April* (8) term next to testify and the truth to speak in behalf of
Amos Lee in certain matters of controversy
pending in our said Court between *said*

Lee

Plaintiff, and

G. Lytle

Bowman & wife Defendant. And this *they* shall in no wise
omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,
Clerk of our said Court at the Courthouse.

This *6th* day of *April* 18 *92*, in the 11th year of the Commonwealth.
J. A. G. Hyatt Clerk.

Nimrod Noe

res $\frac{2}{3}$ Spa

H. Tyler Cooney

To 4th day Apr. 7. 1892.

We accept legal
service of this

Spa April 6th 1892.

E L Bürger

Joseph Bowman

L R Noe

The Commonwealth of Virginia,

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON

S. C. D. Orr

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *First*
day of *April (Special)* term next to testify and the truth to speak in behalf of
E. Tyler Coomer in certian matters of controversy
pending in our said Court between

Amos E. Coe Plaintiff, and *said*

Coomer Defendant. And this *he* shall in no wise
omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,
Clerk of our said Court at the Courthouse.

This *21* day of *March* 18*92*, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

(W)

G. Tyler Coomer

ad³ ^{sum} Spa

Armed for

1st day of S. L. 1892

Executed at
the 28 1892

by Sum

L. D. Orr

L. M. Wade

Deputy for

C. C. Alamy

S. L. C.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON

Peter X Bays Joel
J. X Bays A. L. X Ely C. C. X Blauken
Ship and L. M. X Carnison

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *first*
day of *November* term next to testify and the truth to speak in behalf of
Amos Rod Doe in certain matters of controversy
pending in our said Court between *Raid*

Amos Rod Doe Plaintiff, and

G. Tyler Coomer Defendant. And this *they* shall in no wise
omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt.
Clerk of our said Court at the Courthouse.

This *19th* day of *Novr.* 18 *91*, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

Amrod Aco

as $\frac{3}{3}$ Shd

G. Lylen Coomen

Lo 1st day Nov. Term 1891

Executed by summoning
the within witnesses
this Nov 8 - 1891

J. B. Kistner S.D.,
for C. E. Flanary
S. L. C.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON

Le B. Johnson

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *Sixth*
day of *April 3* term next to testify and the truth to speak in behalf of
G. Tyler Coomer wife in certian matters of controversy
pending in our said Court between

Amos H. Hae Plaintiff, and *said*

G. Tyler Coomer wife Defendant. And this *he* shall in no wise
omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,
Clerk of our said Court at the Courthouse.

This *8th* day of *April* 18 *92*, in the 11 *6* year of the Commonwealth.
J. A. G. Hyatt Clerk.

G. Tyler Loomer
as $\frac{3}{4}$ Spay
Muredetoe

To be paid for S. T. 1892

Executed by
Summoning
L. B. Johnson
April 8 1892.

C. E. Flannery S. T. L.

The Commonwealth of Virginia,

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON

St. D. Orr

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *Second*
day of *June* term next to testify and the truth to speak in behalf of
G. Tyler Leamon in certian matters of controversy
pending in our said Court between *St.*

Amrod Lee Plaintiff, and *Said*
G. Tyler Leamon & wife
Defendant. And this *he* shall in no wise

omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,
Clerk of our said Court at the Courthouse.

This *30th* day of *May* 18 *92*, in the 11⁶ year of the Commonwealth.
J. A. G. Hyatt Clerk.

5 3.80
 2.50
 6.30

Rent
 Water 1.24
 April 11.24
 June 4.50
 16.98

G. Tyler Convent
 add ~~Shd~~
 Amurot doc

To 2nd day June 7. 1892

Executed by
 Luns C. D.
 Orr June 3/92
 L. M. Wade
 Deputy for
 C. C. Flanary
 S. L. C.

The Commonwealth of Virginia,

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON

L. D. Orr

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the *first*
day of *November* term next to testify and the truth to speak in behalf of
G. Tylen Coomstock in certian matters of controversy
pending in our said Court between

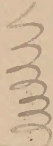
Amrod Orr Plaintiff, and *said*

G. Tylen Coomstock Defendant. And this *he* shall in no wise
omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,
Clerk of our said Court at the Courthouse.

This *23rd* day of *Novr.* 1891, in the 11th year of the Commonwealth.

J. A. G. Hyatt
Clerk.

G. Tyler Coomer

ads  Spa

Nimrod Road

To 1st day Nov. 1. 1891.

Executed by summons
the within witness
this Nov 30 1891

L. M. Wade Deputy
for C. E. Hlanary
J. L. C.